

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BILLY CEPERO,)	3:12-CV-0263-MMD (VPC)
)	
Plaintiff,)	<u>MINUTES OF THE COURT</u>
)	
vs.)	October 7, 2013
)	
HIGH DESERT STATE PRISON,)	
et al.,)	
)	
Defendants.)	
_____)	

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PLAINTIFF(S): NONE APPEARING

COUNSEL FOR DEFENDANT(S): NONE APPEARING

MINUTE ORDER IN CHAMBERS:

On January 16, 2013, plaintiff filed a motion to file a second amended complaint (#24). No opposition to the motion was filed and the motion was granted as unopposed (#26). Plaintiff filed his second amended complaint on March 13, 2013 (#27). Previously appearing defendants filed an answer on March 19, 2013 (#27), and a scheduling order was then issued. Newly appearing defendants filed an answer on September 4, 2013.

Thereafter, on September 13, 2013, six months after the second amended complaint was filed, defendants filed a motion for screening of plaintiff's second amended complaint (#73), and a motion for stay pending screening (#75). At this stage of the case, the court will not screen the second amended complaint nor is the court obligated to do so. If defendants had an opposition to the second amended complaint, they should have raised such issue in March 2013 when it was filed.

Defendants' motion for screening of plaintiff's second amended complaint (#73) and motion for stay pending screening (#75) is **DENIED**. The court will separately issue a new scheduling order as stated in the minutes of proceedings dated August 27, 2013 (#60).

Defendants shall have to and including **Friday, October 25, 2013** to file a response to plaintiff's motion for preliminary injunction and temporary restraining order (#s 68/69).

IT IS SO ORDERED.

LANCE S. WILSON, CLERK

By: /s/
Deputy Clerk